SINCE I HAVE RECEIVED THE SUMMONS / COMPLAINT AND I HAVE NOT RESPONDED IN WRITING I NEED TO KNOW WHAT THE DEADLINE DATE IS FOR ME TO RESPOND IN WRITING IF NO DEFAULT JUDGMENT HAS BEEN ISSUED ON THIS CASE

1. November 13, 2024

Event: Complaint filed by American Express National Bank.

Legal Significance:

The 180-day clock for serving the summons/complaint begins (CRC 3.740(b)).

The 360-day clock for obtaining a default judgment starts (CRC 3.740(f)).

Your Deadline to Respond in Writing to the Summons/Complaint

Since you were **served with the Summons and Complaint on April 6, 2025** (per the Proof of Service filed April 25, 2025), here are the critical deadlines for your written response:

1. Deadline to File an Answer (or Other Response)

- **Standard Deadline**: **30 calendar days** from the date you were served (*California Code of Civil Procedure § 412.20(a)(3)*).
    - **Service Date**: **April 6, 2025**
    - **Deadline to Respond**: **May 6, 2025** (since April has 30 days).
    - **If mailed to you**, you get **10 extra days** (extending it to **May 16, 2025**).
- **If Served by Substituted Service** (e.g., left with someone else at your home + mailed):

- Deadline extends to **40 days** from the date of service (**May 16, 2025**).

2. What Happens If You Miss the Deadline?

- The plaintiff can request a **default judgment** against you (*CCP § 585*).
- **If no default judgment has been entered yet**, you may still file a **late Answer**, but the plaintiff could object.

3. What If a Default Judgment Was Already Requested?

- If the plaintiff filed a **Request for Entry of Default** (check court records), you can:
  - File a **Motion to Set Aside Default** (*CCP § 473(b)*) within **6 months** of default entry.
  - Argue "excusable neglect" (e.g., you didn't understand the deadline).

4. Next Steps (If No Default Judgment Yet)

1. **Check the Court Docket** (LA Court Case Summary) for:
   - *Request for Entry of Default* (if filed, act immediately).
   - *Default Judgment* (if entered, file a motion to vacate).
2. **File an Answer ASAP** (even if late) using:
   - **Form PLD-C-010** (Download Here).
   - Deny the allegations and assert defenses (e.g., "Plaintiff lacks standing").
3. **Attend the OSC Hearing (11/19/2025)** to explain any delays.

Key Takeaway

- **Your original deadline was May 6, 2025 (or May 16 if mailed/substituted).**
- **If you haven't responded yet, file an Answer IMMEDIATELY** to avoid default.
- **If default was already requested**, file a **Motion to Set Aside Default**.